

East Bay Communities Wet Weather Consent Decree

BACWA Collection System Committee
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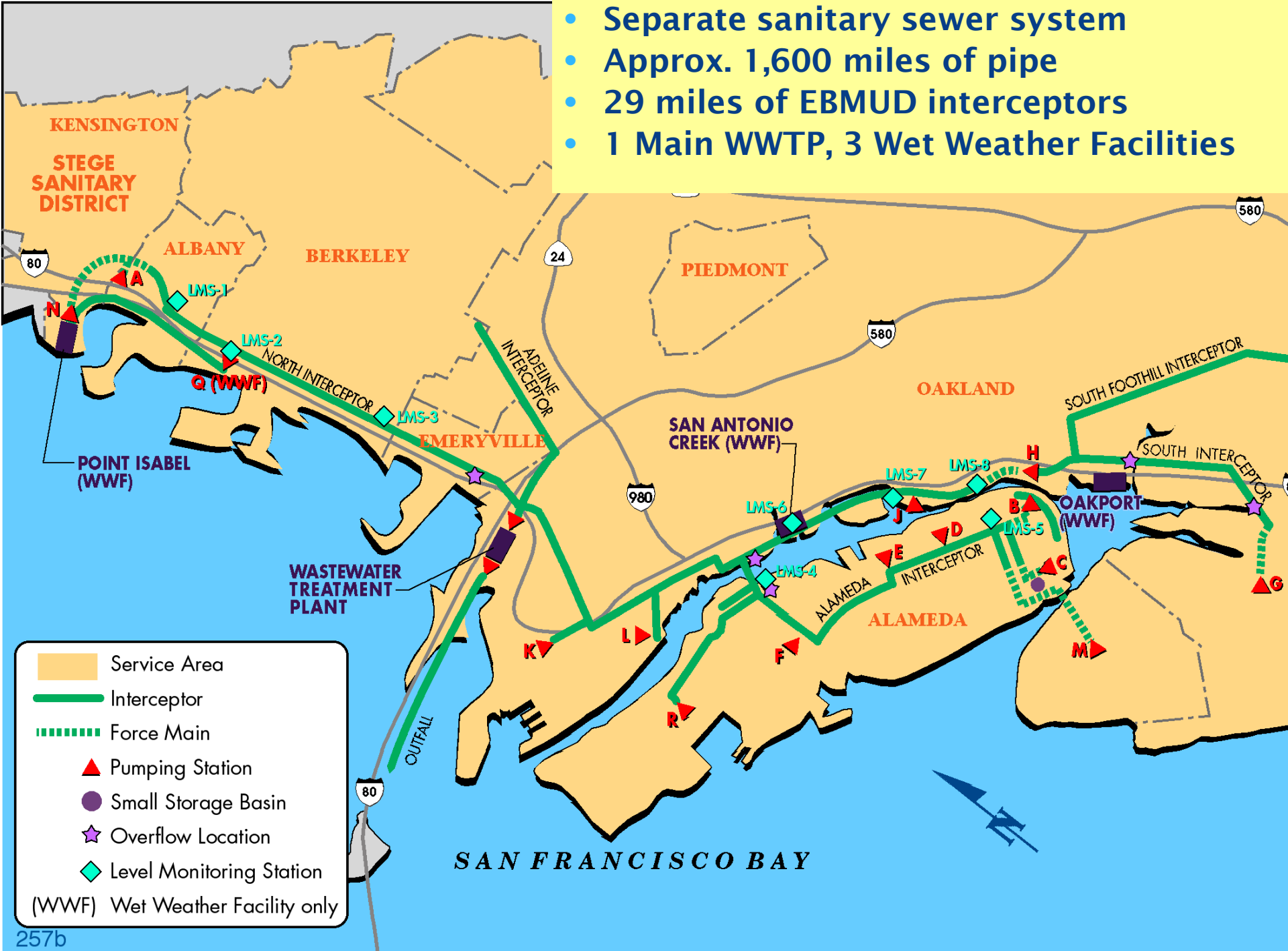
Overview

- Background
- Consent Decree Overview
 - Settlement Framework
 - EBMUD Requirements
 - Satellite Requirements
 - Plaintiff Expenses & Civil Penalties
 - Penalties
- Positive Aspects and Risks
- Next Steps

Background

- “East Bay”
- EBMUD: Regional Wastewater Treatment Plant, Interceptor System and Wet Weather Facilities (WWFs)
- Satellite Agencies: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont, and Stege Sanitary District.
- Satellites Agencies own collection system

- Separate sanitary sewer system
- Approx. 1,600 miles of pipe
- 29 miles of EBMUD interceptors
- 1 Main WWTP, 3 Wet Weather Facilities



	Service Area
	Interceptor
	Force Main
	Pumping Station
	Small Storage Basin
	Overflow Location
	Level Monitoring Station
(WWF)	Wet Weather Facility only

Background

- 1980s: SSES for each agency
- Developed Compliance Plans
 - Capacity Improvements
 - I/I Reduction
 - Cost-Effective Solution – included 3 wet weather treatment facilities (WWFs)
- Some improvements were grant-funded
- EBMUD & Satellites met requirements through extensive capital work

Background

- 2007: State Board remanded NPDES permit for WWF discharges
 - Clarified that WWFs must meet secondary and toxic water quality standards or eliminate discharges
- EBMUD NPDES Permit now prohibits discharge from the Wet Weather Facilities
- Satellites' NPDES Permits now prohibit causing or contributing to WWF discharges

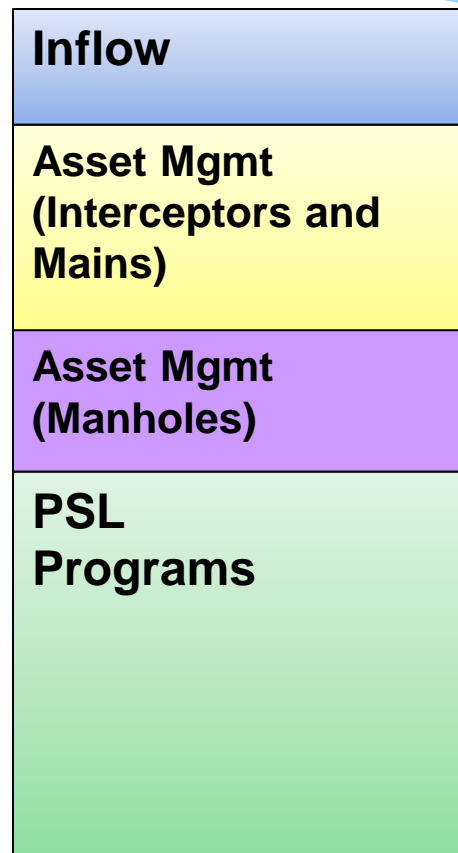
Background

- **2009**: EBMUD Stipulated Order entered
- **2011**: Satellite Stipulated Order entered
- **2014**: Regional Consent Decree lodged
 - 3 Plaintiffs, 8 Defendants, 2 Intervenors
 - Effective Date September 22, 2014
 - CD will replace Stipulated Orders

Preparation for Battle

- EBMUD & Satellites joined to work together prior to CD negotiations
- EBMUD – extensive background & literature search on I/I reduction
- Satellites –developed O&M and I/I reduction programs

Solution Framework



Estimated I/I reduction resulting from work required by CD exceeds that required to eliminate WWF discharges

Settlement Framework

- 22-year term to eliminate WWF discharges under design storm conditions
- Reduce I/I from sewer mains, MHs, Private Sewer Laterals (PSLs), and inflow sources
 - Satellites invest in public sewers
 - Property owners maintain & replace PSLs
 - EBMUD implements PSL ordinance and inflow identification program
- Adaptive management process with two check-in points

Settlement Framework, continued

Check-ins at Year 8 and Year 16:

- Demonstrate reduction in modeled WWF discharges under design storm conditions
- Exceeding defined benchmark for each WWF triggers evaluation process and Revised Work Plan
- Potential additional work requirements

Discharge Compliance

- Timeline for modeled and actual WWF discharge elimination:
 - San Antonio Creek: 2027
 - Pt. Isabel: 2033
 - Oakport: 2035

EBMUD Requirements

- Continue PSL ordinance implementation
- Continue Interceptor System inspection and maintenance
- Capacity improvement project at PS Q
- Urban Runoff Diversion Project
 - Mitigation for continued discharge on behalf of all defendants
- Regional Technical Support Program (RTSP)
 - ~\$2M/yr, replaces SO-required PSL Incentives
- Annual monitoring/modeling/reporting

Regional Technical Support Program

- EBMUD effort to identify sources of inflow and significant infiltration
 - Focused data analysis
 - Flow monitoring, CCTV, smoke testing, visual inspection, and other field investigation
- Satellites facilitate elimination of identified inflow sources in public and private systems
- Timeline to eliminate is dependent on designated priority

Satellite Requirements

- PSL ordinance implementation
- Sewer main and manhole rehabilitation
- Inflow and rapid infiltration source reduction
- CCTV Inspection
- Cleaning
- FOG control
- Chemical root control
- Capacity monitoring (Stege and Oakland only)

Alameda Specific Requirements

- Alameda to join Regional PSL Program
- Rehab 2.6 miles (2% of system) per year
- Rehab lower laterals with main
- Regional Technical Support response
- Respond to Acute Defects
- Clean system on 5 year cycle (10 year for grid)
- Hot spot cleaning
- Complete system by 2019 and then return frequencies set on condition - not to exceed 20 yr)
- Pump Station Renovation Plan

Litigation Expenses

- Intervenors \$ 210,000
 - State Water Board \$ 100,000
 - **Total Cost \$ 310,000**
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- Litigation expenses shared by Defendants

Civil Penalties

- East Bay Municipal Utility District \$ 201,600
- City of Alameda \$ 111,150
- City of Albany \$ 42,038
- City of Berkeley \$ 267,000
- City of Emeryville \$ 1,870
- City of Oakland \$ 850,000
- City of Piedmont \$ 41,038
- Stege Sanitary District \$ 48,860

Positive Aspects of the CD

- * Addresses all 3 sources of I/I (by those responsible for assets)
- * Regulatory certainty and enforcement protection
- * Adaptive management approach over an appropriate, very long-term time scale

Positive Aspects of the CD

- Asset Management based solution
 - On-going
 - Long-term
 - Sustainable
- What most the East Bay satellites were already doing, but now a commitment

Risks Associated with CD

- Stipulated Penalties
 - Failure to complete deliverables/work
 - WWF Discharge after deadlines
- Rate of PSL turnover
- Ability to identify sources of inflow and rapid infiltration through the RTSP and eliminate them
- Effectiveness of I/I reduction work (public and private).
- Midcourse Check-ins
- Binding arbitration for disputes between defendants
- EPA determination of ultimate revised work requirements with limited opportunity for EBMUD/Satellites to appeal/challenge (Construction of storage?)

Next Steps

- Work with RWQCB on NPDES permit renewals
 - Adoption scheduled for November 12th
- EBMUD to develop initial CD deliverables:
 - RTSP Plan
 - Flow Model Calibration Plan
 - Urban Runoff Diversion Project Plan
 - PS Q Project Plan
 - PSL Public Outreach Plan
- Develop Regional Standards

Additional Information

- * www.justice.gov/enrd
 - Click on “Proposed Consent Decrees”
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